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**VIA ECF**

Honorable Katharine H. Parker, U.S.M.J.  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, New York 10007

Re: *The Gap, Inc. v. Ponte Gadea New York LLC*  
Case 1:20-cv-4541(LTS)(KHP)

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Dear Magistrate Judge Parker:

We are counsel to Ponte Gadea New York LLC (“Ponte Gadea”) in the above-captioned action and we write to the Court jointly on behalf of Ponte Gadea and Gap, Inc. (“Gap”) (together with Ponte Gadea, the “Parties”). On September 28, 2021, the Court held a telephonic conference to discuss Gap’s request for discovery regarding purported factual issues related to the outstanding damages issues, including the determination of Ponte Gadea’s award of damages pursuant to Section 23.3(A)(3) of the Lease. Your Honor subsequently directed the parties, to the extent a factual issue exists, to submit a joint letter proposing a discovery schedule on October 8, 2021. (ECF No. 101).

The parties have met and conferred, but are unable to agree on a proposed discovery schedule. Ponte Gadea contends that certain legal issues exist that, if resolved first, will eliminate any factual issues and therefore the need for discovery, and thus submits that these legal issues should be resolved before the commencement of any fact discovery.<sup>1</sup> Gap proposes the following discovery schedule: 1) document production completed by November 16, 2021; and, 2) up to two depositions per side completed by December 14, 2021.

The Parties look forward to addressing this matters at the upcoming conference, currently scheduled for October 26, 2021. We thank the Court for its attention to this matter.

Respectfully submitted,

/s/ *Darryl R. Graham*

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<sup>1</sup> Ponte Gadea will address these issues further under separate cover.